

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

FRANCES ROBBINS,)
Plaintiff,)
v.) Civil Action File
AUTO-OWNERS INSURANCE) No. 6:14-CV-00095-BAE-GRS
COMPANY,)
Defendant.)

STIPULATION AND CONSENT ORDER

COME NOW Plaintiff and Defendant in the above-styled matter and stipulate to the following facts and resolution of Plaintiff's Motion for Leave to Amend Complaint to Add a Party Defendant and request that this Honorable Court enter this Order accordingly:

1.

Plaintiff filed her complaint herein against Auto-Owners Insurance Company.

2.

The correct name of the insurance company which issued the policy forming the basis of this action is Owners Insurance Company, an Ohio corporation with its principal place of business in Michigan.

3.

Plaintiff recently filed a Motion for Leave to Amend Complaint to Add a Party Defendant, in order to add Owners Insurance Company as a defendant herein. Plaintiff hereby withdraws said Motion.

4.

The parties agree that Auto-Owners Insurance Company is not the real party in interest; instead, Owners Insurance Company is the real party in interest. Therefore, Auto-Owners Insurance Company should be dropped from this lawsuit, and Owners Insurance Company should be substituted in its place.

5.

The parties agree that the substitution of Owners Insurance Company as the correct defendant will moot the pending Motion for Leave to Amend Complaint to Add a Party Defendant.

6.

The substitution of Owners Insurance Company as the defendant in this case will not defeat the subject matter jurisdiction of this Court, as the amount in controversy remains the same and diversity of citizenship will still exist.

7.

The parties, therefore, stipulate and agree that Auto-Owners Insurance Company shall be dismissed without prejudice. The parties further agree that Owners Insurance Company shall be substituted as the proper party defendant in the above-styled case. The parties agree that said defendant may stand on the original defensive pleadings filed by the original defendant named herein. Plaintiff is relieved from serving any additional Summons and Complaint on the substituted defendant.

WHEREFORE, for good cause shown and by agreement of the parties involved, it is hereby ORDERED that Auto-Owners Insurance Company shall be dismissed without prejudice. Owners Insurance Company shall be substituted as the proper party defendant in the above-styled case. Owners Insurance Company may stand on the original defensive pleadings filed by the original defendant named herein. Plaintiff is relieved from serving any additional Summons and Complaint on the substituted defendant. The substitution shall further relate back to the original filing of the Complaint.

This 4th day of November, 2014.


Magistrate Judge, United States District Court

Consented to by:

BROWN ROUNTREE

/s/ George H. Rountree

*Signed by Michael C. Kendall
with expression permission*
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